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13
14 **UNITED STATES DISTRICT COURT**
15
DISTRICT OF NEVADA

16 UNITED STATES OF AMERICA,

17 CASE NO.: 2:15-cr-00071-JAD-GWF

18 Plaintiff;

19 vs.

20 ROBERT KINCADE, et. al.,

21 **STIPULATION TO EXTEND TIME IN
22 WHICH TO FILE OBJECTIONS TO
23 REPORT AND RECOMMENDATION
24 AND PROPOSED ORDER**

25 Defendants.

26 IT IS HEREBY STIPULATED AND AGREED, by and between Alexandra Michael,
27 Assistant United States Attorney, counsel for the United States of America; and Kathleen Bliss,
28 counsel for defendant Robert Kincade, that the time within which defendant Kincade must file his
objections to Magistrate Judge Foley's Report and Recommendation on defendant's motion to
dismiss the indictment (ECF No. 235) be extended to January 25, 2017. This stipulation is entered
into based upon the following:

1. On October 3, 2016, defendant filed a motion to dismiss the indictment based upon
23 prosecutorial delay and misconduct. ECF No. 130. A hearing was held on November
24 23, 2016, and on December 28, 2016, Magistrate Judge Foley issued a Report and
25 Recommendation, recommending that defendant's motion be denied. ECF No. 235.
2. Pursuant to the Local Rules of practice defendant has 14 days from the date the Report
27 and Recommendation was issued, or to January 11, 2017, in which to file his Objections
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1 before the district court.
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3. Defendant is indigent and is represented by CJA appointed counsel. As appointed counsel, defense counsel must obtain pre-approval to order a copy of the transcript from the hearing on defendant's motion to dismiss the indictment. A copy of this transcript is necessary for the preparation of defendant's Objections.
4. Defendant remains in custody at the Nevada Southern Detention Center in Pahrump, Nevada, pending trial. Defendant's custodial status makes it more difficult for counsel and defendant to communicate regarding his case, the decisions of the Court, and strategy moving forward.
5. Taking into account the time it takes to obtain pre-approval to order the transcript, the time it takes the court reporter to transcribe the four hour hearing, and the defendant's custodial status, counsel will have insufficient time to prepare said Objections before the current deadline, taking into account the exercise of due diligence.
6. Based upon the foregoing, the parties hereby stipulate to extend the time within which defendant must file his Objections by two weeks, up to, and including, January 25, 2017.
7. This stipulation is submitted in good faith and not for purposes of delay.

Dated this 3rd day of January 2017.

/S/ Alexandra Michael

Alexandra Michael
Assistant United States Attorney

Attorney for the United States

/S/ Kathleen Bliss

Kathleen Bliss, Esq.
Kathleen Bliss Law PLLC

Attorney for defendant Robert Kincade

ORDER

Based upon the stipulation of the parties, and good cause appearing, IT IS THEREFORE ORDERED that defendant Robert Kincade's Objections to Magistrate Judge Foley's Report and Recommendation (ECF No. 235) are due on or before January 25, 2017.

DATED this 4th day of January, 2017.

The Honorable Jennifer A. Dorsey
United States District Judge

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